

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the specification

A clear copy of the originally-filed specification, abstract and claims is provided herewith, as requested by the examiner in the outstanding action.

2. In the claims

a. Claim objections

The improper multiple dependency of claim 7 identified in the Office action has been corrected by reciting that claim 7 depends from either claim 4 or 5. Removal of the objections to claim 7 is respectfully requested.

b. Claim amendments

Claims 1 and 4 are amended to recite that the microalloyed steel does not include vanadium. Support for this amendment is provided on page 7, lines 11-14.

Claim 1 is also amended to more clearly recite the subject matter for which protection is sought. No new matter has been introduced into the claim by way of this clarity amendment nor is intended to narrow the scope of the claim. Moreover, claims 2 and 3 are amended in accordance with the clarity amendment to claim 1.

Entry of the amendment to the claims is respectfully requested in the next Office action.

3. Rejection of claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over JP 10-219389 ("JP'389") or JP 09-111412 ("JP'412") in view of ASM teaching by Vander Voort

This rejection is respectfully traversed on the basis that the proposed combination of the JP'389 and JP'412 documents with the Vander Voort document, whether considered collectively or individually, fails to disclose or teach the entirety

of the subject matter recited in the claims of the pending application. As a result, the proposed combination fails to render the pending claims *prima facie* obvious.

Specifically, neither the JP'389 document nor the JP'412 document disclose a microalloyed steel that lacks Vanadium. It is clear from both of these documents that Vanadium is clearly present in the alloy compositions that they disclose. For example, JP'389 discloses in paragraph [0006] of the English translation the weight percentage of Vanadium in the alloy composition described therein. In addition, JP'412 discloses in paragraphs [0012] and [0013] that Vanadium is also used in the alloy composition.

Accordingly, both of these Japanese documents expressly teach away from the alloy composition recited in the pending claims. Moreover, there is no evidence in either of the references that it is desirable to make the alloy compositions described therein without Vanadium.

On the other hand, the Vander Voort document is silent on the matter of Vanadium content in the alloy composition. In fact, the Vander Voort document makes no suggestion of any kind about the desirability of an alloy composition without Vanadium. About the most that can be said for the Vander Voort patent is that it does not explicitly describe anything inconsistent about the lack of Vanadium in an alloy composition. However, this negative pregnant is not enough to constitute an explicit teaching of omitting Vanadium in an alloy composition since it is understood that a prior art reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it.

In view of these observations, it is submitted that the proposed combination of the JP'389 and JP'412 documents with the Vander Voort document fails to teach each and every feature required by the pending claims, and therefore do not render the pending claims as *prima facie* obvious. Withdrawal of this rejection is kindly requested.

4. Conclusion

In view of the amendments of the claims and the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-7 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin J. Cassell', with a stylized, flowing script.

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